



New Jersey Department of Children and Families Policy Manual

Manual:	NJAC	NJ Administrative Code Excerpts	Effective Date:
Title	10	Human Services	
Chapter	120A	Dispute Resolution	12-9-2008
Subchapter:	3	Dispositional Review	
Section	2	Procedures related to dispositional reviews (N.J.A.C. 10:120A-3.2)	

§10:120A-3.2 Procedures related to dispositional reviews

(a) A request for a dispositional review shall be made in accordance with N.J.A.C. 10:120A-2.5.

(b) The appellant shall submit any information that he or she has agreed to submit to the Review Officer within the time limit agreed upon between the appellant and the Review Officer.

(c) The Review Officer shall conduct a dispositional review through a telephone conference in lieu of having the parties present, when the appellant declines to meet in person with the Review Officer, but agrees to communicate by telephone.

(d) If there is no in-person or telephone meeting, the Review Officer shall conduct a record and document review in lieu of having the parties present.

(e) The Division shall determine whether and in what manner the child's position on the matters at issue shall be ascertained and the nature of the child's participation in the dispositional review where the outcome of the dispositional review shall have a direct impact on the child or children.

(f) The Division shall send the appellant written notification of whether a dispositional review shall be a meeting/gathering of the parties, or a telephone conference, or a record and document review, at least five business days prior to the dispositional review, and include the time and location of the dispositional review and issues to be considered.

(g) The Division shall grant a request for postponement of a dispositional review only for good cause, which shall include the appellant's need for additional time to provide necessary information. The Division shall consider that an appellant has withdrawn his or her request for a dispositional review when the Division has not granted a postponement and the appellant:

1. Does not appear at the scheduled dispositional review, unless such failure is due to unavoidable causes; or

2. Does not provide the agreed upon information for the dispositional review within the agreed upon time limit, unless delayed for reasons beyond the appellant's control or for other good reason.

(h) Prior to the dispositional review, the Review Officer conducting the dispositional review, at his or her discretion, may consult with Division staff who have information related to the issue being appealed.

(i) The dispositional review shall include a summary of the factual basis for the Division action, in accordance with N.J.A.C. 1:1-8.2(a)5, the relevant rules and policy, a review of information gathered through prior consultation with staff, information presented orally or in writing by the appellant, information presented orally or in writing by witnesses, supporters or representatives for both the Division and the appellant, and questions asked and answered in the course of the dispositional review.

(j) The Review Officer conducting the dispositional review shall make an agency decision based on the record and the information presented at the dispositional review or during any consultation with other Division representatives.

(k) The Division shall forward written notification of the agency decision of the dispositional review, containing each element stated in N.J.A.C. 10:120A-3.2(o), to the appellant within 60 business days of the completion of the dispositional review process and shall include notice of whether the appellant has a right or opportunity to appeal further in accordance with N.J.A.C. 10:120A-2.8, and if so, notice of the procedures for initiating further appeals and the contact information, including the address and telephone number.

(l) The Division may deem waived any appeal opportunity that has not been exercised in accordance with the time frames specified in N.J.A.C. 10:120A-2,5(a) and (b), except that the Division shall not deny an appeal where the request for an appeal was delayed for reasons beyond the appellant's control.